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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,939	01/30/2004	Thomas Robert Gold	672P001	7176
42754	7590	06/01/2006	EXAMINER	
NIELDS & LEMACK 176 EAST MAIN STREET, SUITE 7 WESTBORO, MA 01581			CHIU, RALEIGH W	
			ART UNIT	PAPER NUMBER
			3711	
DATE MAILED: 06/01/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/768,939

Applicant(s)

GOLD, THOMAS ROBERT

Examiner

Raleigh Chiu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7, 10-19, 22-30 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-19, 22-30 and 32-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/06/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC §§ 102 and 103***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 2, 4, 7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins (USPN 5,785,608) as set forth in the previous Office action.

Regarding claims 1, 10 and 12, Figure 8 of Collins shows the club shaft 74 positioned in the armpit area of a player with the target side hand and other hand also gripping the shaft.

Regarding claim 2, Figure 8 further shows the shaft exiting the palm between the thumb and forefinger of the target side hand.

Regarding claim 4, Figure 8 further shows the shaft exiting the palm between the thumb and forefinger of the other hand.

Regarding claim 7, Figure 8 shows the two hands to be overlapping.

Regarding claim 11, the Collins club can inherently be used for chipping.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Shioda (USPAPN

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2004/0166956) for the reasons set forth in the previous Office action.

Alternatively, it would have been obvious to one of ordinary skill in the art to hold the Collins club with a grip such that the club passes between the index finger and the ring finger of the target hand in view of Shioda who teaches that such a grip (Shioda, Figure 14) provides additional stability to a golfer during his swing.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Carlucci (USPN 5,913,738) for the reasons set forth in the previous Office action.

Alternatively, it would have been obvious to one of ordinary skill in the art to hold the Collins club with a fist of the other hand in view of Carlucci who teaches that such a grip prevents the player from "breaking" his wrists, thereby avoiding a problem contributing to inaccurate putts.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of (Miller (USPN 5,616,089) and applicant's admission of the prior art as set forth in the previous Office action.

Alternatively, it would have been obvious to one of ordinary skill in the art to hold the Collins club by grasping the forearm of one hand with the target hand in view of Miller

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who shows that such a grip allows a player to use his non-dominant hand to stabilize the club. However, since applicant admits that a widely used variation of the putting grip is the "cross handed" grip (specification, page 4), it would have been obvious to one of ordinary skill in the art to provide a variant of the Miller stabilizing grip by reversing the position of the hands, thereby reducing the possibility of variation and error by allowing the target side hand to control the stroke.

6. Claims 13, 14, 16, 19 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins for the reasons set forth in the previous Office action.

Regarding claims 13, 14, 16, 19, 22 and 24, Collins describes Figure 8 at column 5, lines 34-50. Although Collins does not explicitly describe the shaft remaining in the armpit area during the putting stroke, it would have been obvious to one of ordinary skill in the art to do so for a consistent, continuous stroke.

Regarding claim 23, the Collins club can inherently be used for chipping.

Regarding claims 25, 27 and 28, a typical putting stroke is considered to meet the recited movements.

Regarding claims 26 and 29, as many putting strokes and techniques translate well to other short-game strokes such as

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chipping, it would have been obvious to one of ordinary skill in the art to extend the Collins teaching to chipping strokes as well; the chipping stroke is considered to meet the recited shoulder movements.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Shioda for the reasons set forth in the previous Office action.

Alternatively, it would have been obvious to one of ordinary skill in the art to hold the Collins club with a grip such that the club passes between the index finger and the ring finger of the target hand in view of Shioda who teaches that such a grip (Shioda, Figure 14) provides additional stability to a golfer during his swing.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Carlucci as applied above for the reasons set forth in the previous Office action.

Alternatively, it would have been obvious to one of ordinary skill in the art to hold the Collins club with a fist of the other hand in view of Carlucci who teaches that such a grip prevents the player from "breaking" his wrists, thereby avoiding a problem contributing to inaccurate putts.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Collins in view of Miller and applicant's

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admission of the prior art as set forth in the previous Office action.

Alternatively, it would have been obvious to one of ordinary skill in the art to hold the Collins club by grasping the forearm of one hand with the target hand in view of Miller who shows that such a grip allows a player to use his non-dominant hand to stabilize the club. However, since applicant admits that a widely used variation of the putting grip is the "cross handed" grip (specification, page 4), it would have been obvious to one of ordinary skill in the art to provide a variant of the Miller stabilizing grip by reversing the position of the hands, thereby reducing the possibility of variation and error by allowing the target side hand to control the stroke.

10. Claims 30 and 32-34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shioda for the reasons set forth in the previous Office action.

Regarding claim 30, Figures 14-23 show the recited grips by the target side hand and the other hand. As Figure 14 clearly shows the golf club positioned between the user's index and middle fingers but fails to definitively show whether the club travels along the "life line" of the palm or across the "pinkie pad", it would have been obvious to one of ordinary skill in the

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art to hold the club in either position which would be most comfortable for the user.

Regarding claim 32, Figures 20-21 show the target side hand below the other hand.

Regarding claim 33, Figures 6-12 appear to show a putter.

Regarding claim 34, as Shioda discloses his grip does not create additional tension in the golfer's arm, thereby preventing extraneous motion, one of ordinary skill would realize that such a benefit would apply to all golf strokes, including chipping.

11. Claims 1, 10-13 and 22-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the London Evening Standard article cited by applicant (Rock Steady).

Regarding claims 1, 10-13 and 22-29, Rock Steady discloses the method of holding the top of golf club between the player's armpit. Although the article and the accompanying photograph fail to explicitly describe the exact position of the user's arms, it is noted that a gripping portion exists approximately halfway down the club shaft. As such, it would have been obvious to a person having ordinary skill in the golfing art to fully extend his arm along the shaft to grab the gripping portion of the club in order to putt the ball. The conclusion

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of obviousness may be made from common knowledge and common sense of the person of ordinary skill in the art.

***Response to Arguments***

12. Applicant's arguments filed 06 September 2005 have been fully considered but they are not persuasive.

Applicant argues that because Collins describes his golf club to be "positioned between the forward arm of the user and the user's ribs" (see Remarks, page 10), it is clear that the target arm cannot be substantially parallel in total to the shaft. However, it is noted that applicant's own Figure 2 (which is intended to describe the claimed invention) clearly shows a golf club positioned between a user's forward arm and his ribs. Moreover, whether or not Figure 8 of Collins shows the user's forward arm to be slightly bent, the examiner maintains the position that Collins in fact still shows the target side arm to be substantially fully extended in addition to being substantially parallel to the shaft as required by the claims.

Applicant also argues that the Collins club cannot both be in the armpit area and between the ribs and the arm. However, Figure 8 shows a middle portion of the upper grip of Collins

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club to be between the ribs and the arm while the upper portion of the upper grip (shown in phantom) is in the armpit area.

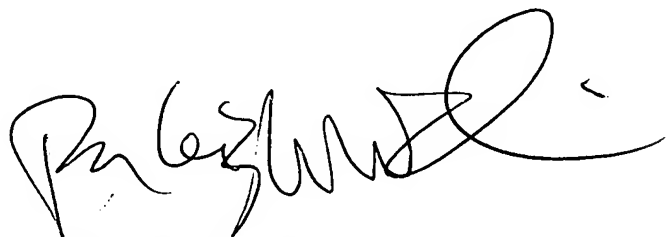
**Conclusion**

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raleigh Chiu whose telephone number is (571) 272-4408. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim, can be reached on (571) 272-4463.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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RWC:dei:feif  
25 May 2006